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U.S. Immigration and Naturalization Service

U.S. naturalization requirements

Washington

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United States Naturalization Requirements

A BRIEF
SUMMARY
OF GENERAL
PROVISIONS

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UNITED STATES DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

United States Department of Justice

Immigration and Naturalization Service

Form N–17

Issued 1944
Revised 1945, 1946, 1947, 1948, 1949, 1950, and 1953
(Second Revision 1953)
Revised 1956

General Information

MAR 11 1957 GLS

This leaflet seeks to furnish information only about the principal requirements of naturalization law and procedure. In ordinary cases this information probably will be all that is needed. However, some classes of applicants are exempted from many of the usual naturalization requirements. These include, for example, certain veterans of our armed forces, certain former United States citizens who lost their citizenship by service in Allied armed forces during World War II, and aliens who are married to citizens of the United States. Information as to these classes may be found in Form N–18 of the Immigration and Naturalization Service.

Anyone who cannot find here or in Form N–18 the answer to his problem should consult the nearest field office of the Service.

MEN AND WOMEN FOLLOW SAME PROCEDURE

The naturalization laws apply to both men and women. They become citizens of the United States in the same way and under the same procedure. The words "he," "his," and "him" are used for convenience in this summary, but they refer to women as well as men.

LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Generally, an applicant for naturalization must have been "lawfully admitted for permanent residence." Wherever that or a similar term is used in this pamphlet it means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having been changed. One admitted to the United States as a visitor for business or pleas-

ure, for example, may remain only for a fixed time. Such a person does not meet the requirement of this paragraph. Neither, of course, does one who gained entry into the United States in violation of law, as by falsely denying conviction of a crime involving moral turpitude, by entering without inspection, by stowing away on a ship, or by becoming a member of a ship's crew and deserting.

RACE

The bar to the naturalization of persons of certain races has been removed, and now persons of any race may become citizens of the United States.

ALIEN REGISTRATION CARD AND OTHER IMMIGRATION DOCUMENTS

The law requires that aliens living in the United States be registered. A registered alien is given evidence of his registration which generally is known or referred to as an alien registration receipt card. Any alien who has not complied with the registration requirement should notify the nearest Immigration and Naturalization Service office at once. The number of the alien registration receipt card must be shown on all application forms.

A person who was admitted to the United States as an immigrant on or after July 1, 1928, but before August 27, 1940, was issued an "immigrant identification card"; that is, a small green card bearing his photograph, description, and certain other information. Some applicants may have received a certificate of registry or lawful entry in connection with legalization of residence (*see* page 13) or a resident alien's border-crossing identification card. These are presented by the applicant when he appears to file his petition for naturalization and are given by him to an officer of the Immigration and Naturalization Service when he is admitted to citizenship.

Declaration of Intention

Under legislation effective December 24, 1952, *it is no longer necessary to file a declaration of intention,* or as commonly known, a first paper, prior to filing a petition for naturalization (formerly the second paper). However, a declaration of intention may be filed by an alien, who, for example, may require it for purposes of employment but is not ready for naturalization because he has not completed the period of residence required by law.

WHO MAY APPLY

1. An applicant for a declaration of intention must be over 18 years of age.

2. He may make and file a declaration of intention at any time if he is residing in the United States pursuant to lawful admission for permanent residence. He cannot file a petition for naturalization until he has lived in the United States for a specified number of years (*see* page 6), but there is no such requirement with respect to the declaration of intention.

3. The making and filing of a declaration of intention may take place in any naturalization court regardless of the applicant's place of residence in the United States. (He must file his petition for naturalization in a naturalization court in the district in which he lives.)

4. He is not required to read, write, and speak English when he applies for his declaration of intention; if necessary, he may sign that paper in any language or by mark. But he cannot become a citizen until he can read, write, and speak words in ordinary usage in the English language, unless he is physically unable to do so or unless on December 24, 1952, he was over 50 years of age and had been living in the United States for periods totaling at least 20 years.

HOW AND WHERE TO APPLY

An applicant must use Naturalization Form N–300 when he applies for the declaration of intention. If he cannot get a copy of that form from a clerk of court, a teacher, or a social agency in the place where he lives, he can get it from any Immigration and Naturalization Service office. There is no charge for this form. After he has filled it out according to directions, he must take it, or mail it, to the office of the Immigration and Naturalization Service together with three photographs of himself (*see* below).

In filling in the item in Form N–300 relating to name at the time of arrival, the applicant must be sure to spell his name exactly as it was spelled in his home country, and as he used it in coming to the United States. If he does not do so, it may be difficult to find the record of his admission to this country and, therefore, difficult to prove that he was legally admitted for permanent residence and is entitled to obtain a declaration of intention.

PHOTOGRAPHS REQUIRED IN CONNECTION WITH NATURALIZATION

The three photographs which the applicant must submit with his application to file a declaration of intention (Form N–300) must be identical photographs, 2 by 2 inches in size, unmounted, printed on thin paper, have a light background, and clearly show, without hat, a full front view of the features (with head bare, unless the person is wearing a headdress as required by a religious order of which he is a member). In the photographs the distance from the top of the head to point of chin must be about 1¼ inches. They must have been taken within 30 days of the date they are furnished. The applicant must write his name in the margin of each photograph, but must be careful not to write

it so as to hide the face on the photograph. If he is unable to write he may make his mark on the margin of the photograph and have someone else write in his name. The directions in this paragraph also apply to photographs needed in connection with other naturalization applications (*see* page 9 and page 14).

ISSUANCE OF THE DECLARATION OF INTENTION

After the Government has found the record of the applicant's lawful permanent admission, and his application is approved, he is notified to appear before the clerk of the naturalization court to make and file the declaration of intention. The applicant executes his declaration on Form N–315 before that official, and in so doing the information he gave in his Form N–300 is used. It is, therefore, very important that the information be correct. The applicant must sign the declaration of intention with his name or his mark before the clerk of the court and swear that the statements in it are true. If it is later found that an applicant has given wrong information on any important point he may have serious trouble.

The applicant pays $5 to the clerk of court for his declaration of intention.

Petition for Naturalization

Under legislation effective December 24, 1952, an applicant's first step toward naturalization is the filing of a petition for naturalization. No longer is he required to make a declaration of intention, but he may do so if he wishes (*see* page 3).

WHO MAY PETITION FOR NATURALIZATION

1. (a) The applicant must be at least 18 years of age.

(b) If a child under 18 years of age has not become a citizen through his parents, and one of the parents is a citizen, that parent may file a petition in the child's behalf.

2. Generally, an applicant must be residing in this country after having been lawfully admitted for permanent residence.

3. A person who applies for naturalization on his own petition must understand English and be able to read, write, and speak words in ordinary usage in the English language unless he is physically unable to do so. Persons who, on December 24, 1952, were over 50 years of age and had been living in the United States for 20 years are also exempt from this requirement.

4. Generally, an applicant is required to have resided continuously in the United States for 5 years and, for the last 6 months of that period, to have resided in the State where he petitions for naturalization. For husbands and wives of citizens of the United States the required residence is 3 years, including residence for the last 6 months of that period in the State in which the petition is filed, provided that during the said 3 years, the applicant has been living in marital union with the spouse who has been a United States citizen during all such period.

Continuous residence does not mean that the applicant may not have been outside of the United States for short periods during the required residence. However, he must have been physically present in the United States for at least half of his required residence, which is 2½ years, or 30 months for applicants requiring 5 years' residence, and 1½ years, or 18 months, for the persons married to citizens described in the preceding paragraph.

These short periods of absence from the United States may be as much as 6 months, and under certain circumstances, for any period less than 1 year, if the applicant can prove that he did not abandon his residence in the United States. However, an absence of 1 year or more within the required period breaks the required residence and prevents the applicant from obtaining naturalization until the expiration of a period of 5 years (or 3 years, whichever is required in his case), during which he has not been absent from the United States for a full year or more.

Under certain conditions permission may be obtained from the Immigration and Naturalization Service to be absent for a year or more without breaking the required residence. The application for such approval generally must be made in advance of the absence.

5. The applicant must be a person of good moral character. For the purposes of the Immigration and Nationality Act (sec. 101 (f), Public Law 414, 82d Cong., 66 Stat. 172), a person is not a person of good moral character who, during the period for which good moral character is required to be established, is, or was (1) a habitual drunkard; (2) one who during such period has committed adultery; (3) a member of one or more of the classes of persons, whether excludable or not, de-

scribed in specified paragraphs of section 212 (a) of the Immigration and Nationality Act relating to polygamists, sexually immoral persons, and certain violators of criminal laws; (4) one whose income is derived principally from illegal gambling activities; (5) one who has been convicted of two or more gambling offenses committed during such period; (6) one who has given false testimony for the purpose of gaining any benefits under the Immigration and Nationality Act; (7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period; or (8) one who at any time has been convicted of the crime of murder. The fact that any person is not within any of the foregoing classes does not preclude a finding that for other reasons such person is or was not of good moral character.

6. The applicant must be "attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States." Each applicant will be required to demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States.

The Federal Government supplies textbooks on citizenship to help applicants for naturalization in preparing for citizenship. In many places the public schools conduct citizenship classes. These textbooks are furnished free for the use of applicants for naturalization who are attending such classes or who are studying under the supervision of the public schools. A list of these books may be obtained by writing to the nearest Immigration and Naturalization Service office. Persons who are not attending

the public schools may buy the books at a very small cost from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

HOW AND WHERE TO APPLY FOR THE PETITION FOR NATURALIZATION

1. Generally, a petition for naturalization must be made in the court within whose jurisdiction the applicant lives.

2. In most cases, application must be made on Form N–400. The form does not cost anything. If the applicant cannot get the form from a clerk of court, a public school teacher, or a social agency in the place where he lives he can get it from the nearest Immigration and Naturalization Service office.

3. The applicant must take or mail the application, after it has been filled out, to the nearest Immigration and Naturalization Service office. With it he must submit three unsigned photographs of himself. He will be required to sign them when he appears for examination, and the signature must be in the English language unless he is exempt from this requirement. (*See* paragraph 3, page 6. *Also see* page 4 for rules concerning photographs.)

In completing Form N–400 the applicant must be careful to spell his name exactly as it was spelled in his home country and as he used it in coming to the United States. If he does not do so, it may be difficult to find the record of his admission to this country, and, therefore, difficult to prove that he was legally admitted for permanent residence and is entitled to proceed to naturalization.

4. The applicant must also submit with his application a fingerprint card on which his fingerprints have been recorded. These cards, with necessary instructions, may be obtained from any office of the Immigration and Naturalization Service.

NOTIFICATION OF EXAMINATION AND THE FILING OF PETITION; WITNESSES

1. The applicant will be notified by the Immigration and Naturalization Service office to which he sent his application when and where he is to appear for his examination.

2. Every applicant to file a petition for naturalization must bring two witnesses to his examination. In some courts, he must also bring two witnesses with him to the final or court hearing.

The witnesses must be citizens of the United States and, if naturalized, bring with them proof of their citizenship. They must be persons of good moral character. They must know the applicant well and should have seen him frequently, ordinarily at least once a month. They are required to testify to his good moral character, his attachment to the principles of the Constitution of the United States, his residence in the United States, including the length of time he has been physically present in this country, and other qualifications. These witnesses should know the applicant for at least the 6 months immediately before filing of the petition if the applicant is required to prove 6 months' residence in the State where the petition is filed. If the witnesses who sign the petition have not known the applicant for the entire period of the required United States residence (generally 5 years, and for wives or husbands of citizens, 3 years), the applicant will be asked for the names and addresses of additional citizen witnesses who knew him for the remainder of the required time. These witnesses do not have to go with the applicant to his examination. They make a sworn statement before a naturalization examiner or other official in the place where they live, telling about his residence there and his conduct while living there.

3. A naturalization examiner questions each of the witnesses to make sure the applicant meets the requirements of the naturalization laws.

4. The examiner then helps him file a petition for naturalization. At this time the applicant pays $10 to the clerk of the court. This sum pays for the filing of the petition and also for the certificate of naturalization, if and when such a certificate is issued to the applicant.

5. If the examiner believes the applicant is not qualified for citizenship, he suggests that the petition not be filed.

FINAL COURT HEARING

1. After the Immigration and Naturalization Service has completed its investigation, the applicant is notified to appear in the naturalization court for a final hearing on his petition. As a rule, no final hearing may be held within 30 days after the filing of the petition.

2. In some courts, the witnesses also must go with the applicant to the final hearing, but in most courts they are needed only for the first hearing. The applicant will be notified whether he is to bring witnesses to the final hearing.

3. Most judges do not ask questions of the applicants at this court hearing; a naturalization examiner has already done so, and the judge usually follows the recommendation of the Immigration and Naturalization Service in regard to an applicant.

4. The Service may recommend that a petition for naturalization be granted, denied, or "continued" (that is, put off until a later date).

5. If the Service recommends that the petition be denied, notice of this recommendation is sent to the applicant before the case is put on the court calendar for final hearing. The applicant is notified

at the same time that he may ask to be examined by the judge in court if he feels that the recommendation is not just.

6. When the court grants a petition for naturalization, the applicant takes an oath of renunciation and allegiance—that is, he renounces allegiance to the foreign state of which he is a subject or citizen and promises to bear allegiance to the United States of America.

7. When a large number of applicants are admitted to citizenship at a court session, they must not expect to get their certificates at once. Usually the clerk of the court sends their certificates to them by registered mail some time later.

SICKNESS OR OTHER DISABILITY OF APPLICANTS

Sometimes an applicant for naturalization is prevented by sickness or other physical disability from appearing in the court house to make and file the necessary papers, or to appear for the final hearing on his petition. Under certain conditions, it is possible for such an applicant to become a citizen without appearing in the court building. Further information as to the procedure in such cases may be obtained from the nearest Immigration and Naturalization Service office.

Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed

A person whose declaration of intention or naturalization certificate has been lost, mutilated, or destroyed may apply for a copy of it. A special form, N–565, is used when applying for such a duplicate. The applicant must enclose a fee of $5 with this application. No currency should be sent. The fee may be paid by check or money order payable to the Immigration and Naturalization Service, Department of Justice, and should be sent with the application to the Immigration and Naturalization Service office shown in the application.

Legalizing Stay in the United States

In the cases of some foreign-born persons in the United States there is no record showing admission for permanent residence, or at least no record can be found. Such persons may have been brought here during childhood and never have known just when or how they came; or they may have come here as visitors or as seamen and decided to stay; or they may have entered unlawfully.

Since no record of their lawful admission for permanent residence can be found, they cannot become citizens of the United States until such a record has been made. An alien not ineligible to citizenship who can prove he came to the United States before July 1, 1924, has been here ever since, has shown himself to be of good moral character, and is not subject to deportation may legalize his stay by having created for him a record of admission for permanent residence. Form N–105 is used in making application to create such a record. This form, together with information about the

procedure to be followed, may be obtained from the nearest Immigration and Naturalization Service office. The cost of filing this application is $25. The applicant must enclose a money order or check for that amount (see page 13 for directions about money orders and checks) and two photographs with the Form N–105 when he takes it or mails it to the Immigration and Naturalization Service office shown in the application. After such a record of admission for permanent residence has been made, he can apply for citizenship.

Persons who came to the United States illegally on or after July 1, 1924, cannot obtain a record of admission for permanent residence, and they may be deportable. It is possible for the Immigration and Naturalization Service to help certain classes of these persons. Information and advice should be sought from the nearest office of the Service or from a social service agency.

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U. S. Government Printing Office,
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